

11-14-13 mins.

**MINUTES
CITY OF TAUNTON
ZONING BOARD OF APPEALS
November 14, 2013 at 5:30 PM**

Members Present were: Joseph Amaral, Acting Chairman, Estele Borges, Wayne Berube., Steven Vieira , Peter Wasylow and George Moniz. .

Meeting opens at 5:32 pm.

Peter made motion to accept minutes of October 10, 2013. minutes. Seconded by George. All in favor.

Case #3202 DeAguiar 175 High St.

A Variance from Section 7.8, 7.8.3 & 7.8.4 of the Zoning Ordinance to a 2-family to a 3-family dwelling on a lot having 10,744 sq. ft. (instead of 15,000 sq. ft.) waiver of the parking requirement from 6 to 5 spaces and allow parking in front yard; and allow the conversion within 5 years of building permit.

For the Petitioner: Rebecca DeAguiar, 175 High St., Taunton, Ma.

In favor: None
Opposed: None

Mrs. DeAguiar stated they continued last month to see if she could add one more parking space of which she did. She submitted new plan showing 6 parking spaces. She does have to go to the DPW for a curb cut. No one in favor or against. Letters from the City Planner, Fire Dept. B.O.H., and Conservation Commission were read into the record. Wayne asked if the parking is going to be paved and she said yes.

Motion made and seconded to grant as presented with the following condition:

- Parking must be paved.

Vote: Vieira, Borges, Amaral, Moniz, Berube.....Yes
Petition Granted:

Case #3207 McLean 3 Coyle Street

A Variance from Section 6.3 of the Zoning Ordinance for a front yard setback of 7 feet (instead of 20') for an 18' x 20' carport.

For the Petitioner: Paul Patneau, P.E., 198 Crane Ave. South, Taunton, Ma.

In favor: None

Opposed: None

Paul stated they are proposing to put up an 18' x 20' carport to protect the petitioner's vehicles from the inclement weather. Paul stated the petitioner is getting older and this will help alleviate all the snow piling up while also

protecting car. The carport will be attached to the house. George stated there are a few carports in the neighborhood. No one in favor or opposed. Letters from the City Planner, Conservation Commission and B.O.H were read into the record.

Motion made and seconded to Grant as Presented:

Vote: Borges, Vieira, Berube, Wasylow, Amaral Yes
Petition Granted.

Case #3208 Powers Trimount Ave. (Prop. I.D. 31-407)

A Variance from Section 6.2 & 6.3 of the Zoning Ordinance for the construction of a single family dwelling on a lot having 100' of frontage (instead of 125') with 95.63' of lot width (instead of 109') and 17,544 sq. ft. of lot area & upland (instead of 30,000 sq. ft. of lot area & 22,500 sq. ft. of upland).

For the Petitioner: Paul Patneau, P. E., 198 Crane Ave., So., Taunton, Ma.

In favor: None

Opposed: Marc Hyney & Yvonne Quirk, 23 Trimount Ave., Taunton, Ma.
Christopher Kauffman, 15 Trimount Ave., Taunton, Ma.
Stephen Correia, 31 Church Green, owns property I.D. 31-406, had some concerns.

Letters from the City Planner, Conservation Commission and B.O.H were read into the record.

Paul stated this property is very old and developed prior to the zoning from Urban to Suburban Residential District. Some years ago the property was bought with the intention of one of the children living there. Paul stated he met with the City Engineer and he's in agreement about the gravel roadway and in favor of doing improvements, so they will need to file a Roadway Improvement Plan with the Planning Board. They will fix drainage and the Planning Board looks to see if it's safe and adequate access to the property. The Board asked Paul how wide would they want it? Paul stated they generally want it to be about 18' wide with an emergency turnaround. Joe asked if the petitioner pays for the improvements and Paul answers yes. Wayne asks if the property is now empty and Paul answers yes. They own land abutting, at 29 Bayview Road with an existing house there. They are here tonight for Property I.D. 31-407 to put new house on that lot. Joe stated he received several phone calls this week regarding this proposal. There were some concerns with water problems in this area. Paul stated they built skating rink for children and the property is a lot lower than the lots on Bayview Road. There was some discussion about the big compression and wetland on the property. Paul stated the natural drainage to wetland area and that will remain. George asked if the lot is going to be higher and they answered no. Wayne stated they will probably have to go to Conservation Commission. Paul stated the P.B. rules stated you cannot discharge any additional water than currently discharges. It was stated there will need to be a lot of fill. The petitioner is contractor and he stated it's not an issue. Paul stated they are required by the R&R to keep same runoff as is. They will need to build septic system up. Opposed: Mark Hyney, 23 Trimount Ave., stated the property is a small private way with a width of one car. He stated he doesn't know how they can widen if it's not their property. He stated the proposed turnaround is on land that doesn't belong to the petitioners. He stated the drainage is so far below it terrible. He has lived there for 10 years and they get water all the time. He stated in the winter they hire plow guy to plow but here is no where to put it. It's too heavy for plow guy and he ends up moving snow pile. Joe stated there are 2 houses on this private road and he answers yes. Joe asked if he had opposition to house being there or widening of roadway. Mr. Hyney state both, there are rules for a reason. Wayne stated the roadway looks about 15 feet wide and Mr. Hyney stated it's more like 10-12' wide. There is no TMLP, sewer and they maintain it. Steve stated wouldn't it be easier to plow of roadway was wider? Opposed: Chris Kauffman, 15 Trimount Ave., agrees with what Mark said. Mr. Kauffman stated he spoke with neighbors Luis & Maria Leandres and they against it also. Estele asked if he had anything in writing stating they were opposed and he answers no. They didn't receive notice. Stephen Correia, 31 Church Green, owns abutting property at end of the roadway. He is concerned with the big difference in elevation. Joe asked about access and if it's all grown over? Mr. Correia answers yes his lot is vacant. He is not opposed to them putting house in just concerned with elevation. He was wondering what size house and septic system they would be putting in. Yvonne Clark, 23 Trimount Ave. stated she has been there 9 years and that is why they bought house because it was on a private dead end street. She stated she has to bring her trash to Bay Street and she is concerned with all the young children in the area. Peter asked Paul how wide is it now? Paul answers about 14' wide and they will have to put water main in? Paul stated yes they usually put water main in the roadway. Paul stated that there is a 40 foot ROW and each land owner must acknowledge the right to access their property. He stated some people might

have the misconception it's their property and it's part of the ROW. Paul stated they will not be encroaching on any ones property. The Board asked if the Planning Board would require widening it to 40 feet wide and Paul answers he didn't think so but they have that right. Pete asked about why not access it from the existing driveway from Bayview Road. Paul answers that's not their property. That driveway is access for 33 Bayview Rd. Joe asked if the roadway was private and Paul answers yes so the City does not plow it. It was stated the City sometimes does plow private streets. Wayne stated the Edgehill Rd. is undeveloped probably because it's part of the wetland area. Joe asked about the turnaround and it not being on their property? Paul stated anyone has the right to improve roadway. Wayne asked if the Planning Board will look at what is needed and they have to comply with it. Paul answers yes. George asked about the abutter's claim about the lot lines? Estele stated they are not asking for any other variances. Letters from the City Planner, B.O.H., Conservation Commission were read into the record.

Motion made and seconded to Grant with the following conditions

- Petitioner must submit a Roadway Improvement Plan to the Planning Board.
- Single family dwelling only.

Vote: Borges, Vieira, Berube, Wasylow, AmaralYes
Petition Granted.

Meeting adjourned at: 6:30 pm.